

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 78-9

Introduced by Council President Freeman at request of County Executive

Legislative Day No. 78-4 Date: February 7, 1978

AN ACT to repeal and re-enact Article 12, heading, Fire, Ambulance and Rescue Organizations, of Chapter 2, heading, Administration, of the Harford County Code; and to repeal and re-enact Article 15, heading, Volunteer Firemen Pension Benefits, of Chapter 2, heading, Administration, of the Harford County Code; said Articles to be renumbered and recodified in Chapter 2 of the Harford County Code as new Article 13, heading, Fire, Ambulance and Rescue Organizations, subheading, Division 1, Pensions, and Division 2, Standards for Fire, Ambulance and Rescue Organizations, said new Article and Divisions to stand in lieu of the repealed Articles; to provide pension benefits for qualifying Harford County volunteer firemen; and to provide standards for the establishment and operation of fire substations in Harford County, Maryland.

By the Council, February 7, 1978

Introduced, read first time, ordered posted and public hearing scheduled

on: March 7, 1978

at: 6:45 P.M.

By Order: Angela J. Markowski, Secretary

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Bill having been published according to the Charter, a public hearing was held on March 7, 1978 and concluded on March 7, 1978.

Angela J. Markowski, Secretary

BILL NO. 78-9

1 Section 1. *Be It Enacted By The County Council Of Harford County,*
2 *Maryland,* that Article 12, heading, Fire, Ambulance and Rescue
3 Organizations, and Article 15, heading, Volunteer Firemen Pension
4 Benefits, of Chapter 2, heading, Administration, of the Harford
5 County Code, be, and they are hereby repealed; and that new
6 Article 13, heading, Fire, Ambulance and Rescue Organizations,
7 subheading, Division 1, Pensions, and Division 2, Standards for
8 Fire, Ambulance and Rescue Organizations, be, and it is hereby
9 added to Chapter 2, heading, Administration, of the Harford County
10 Code, to stand in lieu of the repealed Article, all to read as
11 follows:

12 CHAPTER 2. ADMINISTRATION.

13 ARTICLE 13. FIRE, AMBULANCE AND RESCUE ORGANIZATIONS.

14 DIVISION 1. PENSIONS.

15 Section 2-250. Established.

16 (a) There is hereby established a retirement program
17 for qualified active volunteer members of Harford County volunteer
18 fire departments/companies or ambulance corps and/or volunteer
19 fire company receiving contributions from Harford County, Mary-
20 land. For purposes of this Section, an active volunteer member is
21 defined as a person who has accumulated a minimum of fifty (50)
22 points per calendar year, in accordance with the point system set
23 forth in this Section.

24 (b) Any person who has served as a member of a Harford
25 County volunteer fire department/company or ambulance corps and/or
26 volunteer fire companies receiving contributions from Harford
27 County, Maryland, shall be eligible to receive benefits hereinafter
28 set forth provided:

29 (1) The person is certified in accordance with
30 the provisions of this Section to have served as an active
31 volunteer subsequent to January 1, 1975.
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1 (2) Any person who discontinued active volunteer
2 service prior to January 1, 1970, may receive credit for said
3 service after being certified (in accordance with the provisions
4 of this Section) to have performed five (5) years active volunteer
5 service subsequent to said date.

6 (3) Any person who completes twenty-five (25)
7 years of certified service and has not attained the age of sixty
8 (60) may be qualified. He will become eligible for benefits upon
9 reaching the age of sixty (60) provided he is certified as to the
10 twenty-five (25) years of qualified service prior to January 1,
11 1975. After January 1, 1975, a person must accumulate the proper
12 number of points needed to qualify. After a person is qualified
13 and certified, failure to remain active or to maintain membership
14 in a fire department/company or ambulance corps will not disqualify
15 or otherwise affect any person from receiving benefits at the age
16 of sixty (60).

17 Section 2-251. Service Benefits.

18 (a) Beginning July 1, 1975, any person who has reached
19 the age of sixty (60) and who has completed a minimum of twenty-
20 five (25) years of certified active volunteer service with any
21 Harford County volunteer fire department/company or ambulance
22 corps shall receive benefits in the amount of One Hundred Dollars
23 (\$100.00) per month for life. Payments shall begin on the first
24 day of the month following eligibility. The program shall be
25 administered by the Director of Administration of Harford County
26 and payments shall be made directly to the volunteer entitled to
27 such benefits.

28 (b) An additional payment of Two Dollars (\$2.00) per
29 month shall be added to the benefits described Subsection (a) of
30 this Section for each full year of volunteer service in excess
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1 of twenty-five (25) years, providing that a maximum benefit of One
2 Hundred Fifty Dollars (\$150.00) per month or equivalent shall be
3 payable to any individual.

4 (c) In the event any active volunteer fireman or
5 corpsman (herein defined as one who has at least two (2) years of
6 qualifying service in the five (5) preceding years) attains the
7 age of seventy (70) years and fails to achieve the required
8 twenty-five (25) years of service, the volunteer is entitled to a
9 monthly benefit of the number of years of certified service
10 completed multiplied by Four Dollars (\$4.00). These benefits
11 shall be payable in the normal manner.

12 Section 2-252. Disability and Death Benefits.

13 (a) In the event any active volunteer becomes disabled
14 during the course of service described in the Annotated Code of
15 Maryland, Article 101, Paragraph 24(a), and such disability
16 prevents the volunteer from pursuing his normal occupation, and
17 the disability is of a permanent nature as determined and certified
18 by the Maryland Workmen's Compensation Commission, then the
19 volunteer is entitled to receive the benefits prescribed in
20 Section 2-251, Subsection (a) and any such benefits as he may be
21 entitled to regardless of his age or length of service. These
22 benefits shall begin on the first day of the first month following
23 the establishment of the determination of the permanent disability,
24 and shall remain in effect as long as the permanent disability
25 exists. This Subsection shall not be applicable to any volunteer
26 not insured either by Harford County or any other department/
27 company or corps workmen's compensation insurance carrier.

28 (b) In the event that any volunteer shall die while
29 receiving benefits, then his surviving spouse is entitled to
30 benefits equal to fifty percent (50%) of the volunteer's benefits.

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1 These benefits shall terminate upon death or remarriage of the
2 spouse.

3 (c) In the event that a volunteer dies prior to
4 receiving any benefits under this Section, his surviving spouse is
5 entitled to benefits equal to fifty percent (50%) of the benefits
6 the deceased is eligible to receive. These benefits shall commence
7 upon the first day of the first month after the death of the
8 volunteer and shall terminate upon the death or remarriage of his
9 spouse. A qualified volunteer is defined as one who has completed
10 twenty-five (25) years of certified service.

11 (d) In the event any volunteer is fatally injured or
12 dies as a result of performing the services described in the
13 Annotated Code of Maryland, Article 101, Paragraph 34(a), his
14 spouse shall be entitled to benefits under Section 2-251, Benefits,
15 Subsection (a) or (b), whichever is the greatest. These benefits
16 shall commence on the first day of the first month after the death
17 and shall terminate upon death or remarriage of the spouse.

18 (e) In the event that a qualified volunteer fireman
19 dies, a burial benefit of One Thousand Dollars (\$1,000.00) shall
20 be payable to the spouse.

21 Section 2-253. Periodic Adjustments.

22 (a) Periodically, the Director of Administration and
23 the Harford County Fire Chiefs' Association shall review the
24 benefits prescribed in this Act and such review could increase or
25 decrease these benefits. Revised benefits, subject to approval of
26 the County Executive and the County Council through the budget
27 process, shall be effective on the first pay period in the new
28 fiscal year.

29 Section 2-254. Certification.

30 (a) It is the responsibility of each participating
31 volunteer fire department/company or ambulance corps to maintain
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1 detailed and accurate records for each volunteer member on forms
2 prescribed by the Harford County Fire Chiefs' Association.

3 (b) Beginning December 1, 1974, and each October 1
4 thereafter, the Board of Directors of each volunteer fire
5 department/company or ambulance corps shall furnish the Harford
6 County Fire Chiefs' Association a statement under oath certifying
7 all volunteers of the department or corps who have qualified for
8 credit for the previous years. Each statement shall contain all
9 members' ages and previous credits earned and other information as
10 may be required by the Harford County Fire Chiefs' Association,
11 and the Director of Administration of Harford County.

12 (c) Upon receipt of this statement, Harford County Fire
13 Chiefs' Association shall review the list of each department or
14 corps. After the Harford County Fire Chiefs' Association approves
15 the certified list, they shall forward a copy of each approved
16 list to the fire department/company or ambulance corps concerned
17 by November 1 of each year. These lists shall be posted in a
18 conspicuous place within each fire department/company or ambulance
19 corps building for a period of not less than thirty (30) calendar
20 days. Posting date shall be noted on all approved lists and the
21 date the thirty (30) calendar days for a right of appeal expires.

22 (d) A person whose name does not appear on the certified
23 list, or who is denied credit for services prior to January 1,
24 1975, has the right of appeal within thirty (30) calendar days of
25 the posting.

26 (e) The request for an appeal hearing shall be in
27 writing and addressed to the Harford County Fire Chiefs'
28 Association who shall make a final decision. The hearing shall be
29 conducted by the Harford County Fire Chiefs' Association within
30 fifteen (15) calendar days after the posting expires but not less
31 than five (5) calendar days after notifying the appellant of the
32 date.

1 (f) Fifteen (15) calendar days after all appeal hearings
2 (if necessary) but no later than January 1, the Harford County
3 Fire Chiefs' Association shall submit to the Director of Administra-
4 tion of Harford County a statement under oath certifying all
5 volunteers of the department/company or corps who have qualified
6 during the current year and those eligible for benefits under this
7 Act on forms prescribed by the County.

8 (g) It shall be the responsibility of the Harford
9 County Fire Chiefs' Association to submit a statement under oath
10 of any benefits to be paid under Section 2-252, Disability and
11 Death Benefits, including prompt notification of termination.

12 (h) Any volunteer eligible for benefits under this Act
13 may elect to receive the benefits; however, if he is receiving
14 benefits, he shall not be eligible to receive any other volunteer
15 service benefits offered by another jurisdiction without with-
16 drawing from Harford County's program.

17 Section 2-255. Point System.

18 In order to qualify for the benefits, points shall be
19 credited to each volunteer in accordance with the following
20 standards:

21 (a) One (1) point shall be credited for every three (3)
22 hours of attendance in a recognized training course, providing
23 that not more than twenty-five (25) points may be credited for all
24 training courses attended per year.

25 (b) One (1) point shall be credited for each company or
26 county drill attended in its entirety, providing that not more
27 than twenty (20) points may be credited for all drills attended
28 per year.

29 (c) One (1) point shall be credited for each official
30 company or county meeting pertaining to Harford County fire
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1 services or rescue services attended, provided that not more than
2 twenty-five (25) points may be credited for all meetings attended
3 per year.

4 (d) One (1) point shall be credited for each call to
5 which a volunteer responds, providing that not more than forty
6 (40) points may be credited for all calls responded to per year.

7 (e) Twenty-five (25) points shall be credited for
8 completion of a one year term as an appointed or elected officer
9 in any of the fire or rescue service organizations of Harford
10 County provided that not more than one (1) office shall be
11 counted in any calendar year.

12 (f) One (1) point shall be credited for every three
13 (3) hours of acceptable collateral duties such as, but not limited
14 to, apparatus and building maintenance, official standby and
15 fire prevention, fund raising details, providing that not more
16 than twenty-five (25) points may be credited for all collateral
17 duties performed per year.

18 (g) A volunteer member who serves or has served full
19 time military service in the Armed Forces of the United States
20 shall receive credit at the rate of five (5) points for each
21 month served providing that not more than fifty (50) points can
22 be credited for the calendar year. A maximum of four (4) years of
23 creditable service may be acquired in this manner.

24 Section 2-256. Prior Service.

25 In order to provide credit for service prior to
26 January 1, 1975, the fire department/company or ambulance corps
27 shall review its past and present membership rosters to determine
28 the number of years of credit to which each member or past member
29 is entitled. In making this analysis, the standards for active
30 service shall be used as guidelines. Approval for service shall
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1 be certified by the Board of Directors of each fire department/
2 company or ambulance corps. If a volunteer member has service in
3 more than one (1) Harford County fire department/company or
4 ambulance corps, that person shall receive credit for the service
5 in each organization, providing not more than one (1) year's
6 credits may be granted for each calendar year of volunteer service.
7 Section 2-257. Insufficient Records.

8 In the event that sufficient records are unavailable to
9 prove service prior to January 1, 1975, the certification may be
10 made by a fire department/company or ambulance corps after thorough
11 investigation, and on the best information, knowledge, and belief
12 of the Board of Directors of the individual fire department/
13 company or ambulance corps.

14 Section 2-258. Funds.

15 The Volunteer Firemen Pension Benefits Program shall be
16 funded as may from time to time be provided in the Annual Budget
17 and Appropriation Ordinance of Harford County, Maryland.

18 DIVISION 2. STANDARDS FOR FIRE, AMBULANCE AND RESCUE ORGANIZATIONS.

19 Section 2-259. Standards.

20 (a) Equipment and Stations. All emergency fire
21 fighting, ambulance and rescue equipment stations and vehicles
22 shall comply with the standards for such equipment as established
23 by the Harford County Fire Chiefs' Association.

24 (b) All manpower training and manning requirements
25 shall be in accordance with applicable Harford County Fire Chiefs'
26 Association standards.

27 (c) Location. The Standard for the Establishment and
28 Operation of Substations of the Harford County Fire Chiefs'
29 Association shall be the governing standards in establishing and
30 locating any substation. A new station site, not an element
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1 of any other established Harford County fire, ambulance or rescue
2 organization, shall be approved by the Harford County Fire Chiefs'
3 Association, and such approval shall be based upon current
4 standards of the Harford County Fire Chiefs' Association and other
5 applicable laws and standards. Such approval shall be subject to
6 final approval by the County Executive after a public hearing
7 held by the Director of Administration. Other than manpower
8 availability, the primary factor in establishing and locating a
9 new station shall be that of providing improved protection to
10 areas heretofore classified as unprotected, i.e., areas more than
11 five (5) miles by paved roadway from an existing approved fire
12 station.

13 (d) All standards referred to in this Division shall be
14 established in accordance with Section 807 of the Charter of Harford
15 County, Maryland.
16 Section 2-260.

17 (a) The Harford County Fire Chiefs' Association shall
18 be responsible for administering this Division and for insuring
19 that the standards contained herein are current and reflect the
20 best available fire, ambulance and rescue services.

21 (b) The Harford County Fire Chiefs' Association shall
22 advise the Director of Administration of Harford County on the
23 management of personnel of Central Alarm System for Harford County,
24 Maryland.

25 (c) All personnel of the Harford County Central Alarm
26 System shall be directly responsible to the Director of Administra-
27 tion and subject to the applicable Harford County personnel rules
28 and regulations.
29 Section 2-261.

30 (a) Failure of a station to comply with this Division
31 may result in withdrawal of financial support by Harford County,
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Maryland, and any station failing to comply may not be recognized in the County emergency protection assignments.

(b) All allotment requests for all organizations subject to this Division and the budget request for Harford County Central Alarm System shall be processed through the Harford County Fire Chiefs' Association for submission to, and approval of, Harford County.

(c) Any new organization coming under the purview of this Division shall be eligible for partial funding for a period of five (5) years from admission to the Harford County Fire Chiefs' Association, and shall, after that time, be eligible for further funding by Harford County if it meets the standards set forth by the Harford County Fire Chiefs' Association and by law.

Section 2. *And Be It Further Enacted*, that if any provision or provisions of this Act, or the particular application thereof, shall be held to be invalid, the remaining provisions and their application shall not be affected thereby. Should any provision hereof be inconsistent with any rule, regulation or policy of any other agency having jurisdiction, such provision shall be invalid, but the remaining provisions and their application shall not be affected thereby.

Section 3. *And Be It Further Enacted*, that this Act shall take effect sixty (60) calendar days from the date it becomes law.

EFFECTIVE: May 9, 1978

The Secretary of the Council does hereby certify that fifteen (15) copies of this bill are immediately available for distribution to the public and the press.

Secretary

LIBER 4 PAGE 714

BY THE COUNCIL

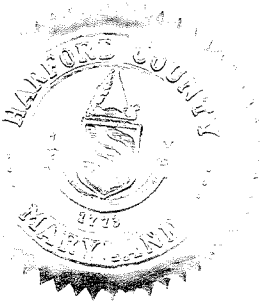
Read the third time.

Passed LSD 78-8 (March 7, 1978) (~~with amendments~~)~~Failed XXXXX Passage~~

By order

Angela Markowski, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 8th day of March, 1978
at 3:00 o'clock P.M.

Angela Markowski, Secretary

BY THE EXECUTIVE

APPROVED:

[Signature]
County ExecutiveDate March 10, 1978

BY THE COUNCIL

This Bill, having been approved by the Executive and
returned to the Council, becomes law on March 10, 1978.

Angela Markowski
Angela Markowski, Council Secretary

EFFECTIVE DATE: May 9, 1978

Rec'd for record 5/9 1978 at 10:25 A.
Same day recorded & examined, per
H. Douglas Chilcoat, Clerk